

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2009-54

VANDOLYN IRENE NELSON aka
VANDOLYN I. SEENEY-NELSON
2030 San Jacinto Street
Oxnard, CA 93030

Registered Nurse License No. 520721

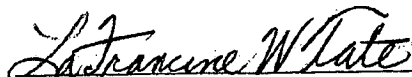
Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 23, 2009

IT IS SO ORDERED this February 23, 2009.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

EDMUND G. BROWN JR., Attorney General
of the State of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General
GLORIA A. BARRIOS, State Bar No. 94811
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-54

VANDOLYN IRENE NELSON aka
VANDOLYN I. SEENEY-NELSON
2030 San Jacinto Street
Oxnard, CA 93030

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Registered Nurse License No. RN 520721

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the Board of Registered Nursing. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Gloria A. Barrios, Supervising Deputy Attorney General.

2. Vandolyn Irene Nelson aka Vandolyn I. Seeney-Nelson (Respondent) is representing herself in this proceeding.

3. On or about March 27, 1996, the Board of Registered Nursing issued Registered Nurse License No. RN 520721 to Vandolyn Irene Nelson aka Vandolyn I. Seeney-

1 Nelson. The was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 2009-54 and will expire on May 31, 2009, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 2009-54 was filed before the Board of Registered Nursing
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 September 17, 2008. Respondent timely filed her Notice of Defense contesting the Accusation.
8 A copy of Accusation No. 2009-54 is attached as exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2009-54. Respondent also has
12 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
13 Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2009-54, agrees that cause exists for discipline and hereby surrenders her
26 Registered Nurse License No. RN 520721 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 520721, issued to Respondent Vandolyn Irene Nelson aka Vandolyn I. Seeney-Nelson is surrendered and accepted by the Board of Registered Nursing.

13. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

1 14. Respondent shall lose all rights and privileges as a registered nurse in
2 California as of the effective date of the Board's Decision and Order.

3 15. Respondent shall cause to be delivered to the Board both her wall and
4 pocket license certificate on or before the effective date of the Decision and Order.

5 16. Respondent fully understands and agrees that if she ever files an
6 application for licensure or a petition for reinstatement in the State of California, the Board shall
7 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
8 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
9 and all of the charges and allegations contained in Accusation No. 2009-54 shall be deemed to be
10 true, correct, and admitted by Respondent when the Board determines whether to grant or deny
11 the petition.

12 17. Upon reinstatement of the license, Respondent shall pay to the Board costs
13 associated with its investigation and enforcement pursuant to Business and Professions Code
14 section 125.3 in the amount of Two Thousand, one hundred and fifty-eight Dollars and seventy-
15 five Cents (\$2, 158.75). Respondent shall be permitted to pay these costs in a payment plan
16 approved by the Board.

17 18. Should Respondent ever apply or reapply for a new license or certification,
18 or petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in Accusation, No. 2009-54 shall be
20 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
21 Issues or any other proceeding seeking to deny or restrict licensure.

22 19. Respondent shall not apply for licensure or petition for reinstatement for
23 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Order. I
5 understand the stipulation and the effect it will have on my Registered Nurse License . I enter
6 into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
7 agree to be bound by the Decision and Order of the Board of Registered Nursing.

8 DATED: 11-12-08

9 
10 VANDOLYN IRENE NELSON aka
11 VANDOLYN I. SEENEY-NELSON
12 Respondent


13 ENDORSEMENT

14 The foregoing Stipulated Surrender of License and Order is hereby respectfully
15 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
16 Affairs.

17
18 DATED: 11/17/08

19 EDMUND G. BROWN JR., Attorney General
20 of the State of California

21 KAREN B. CHAPPELLE
22 Supervising Deputy Attorney General

23 
24 GLORIA A. BARRIOS
25 Supervising Deputy Attorney General

26 Attorneys for Complainant

2401 MICHIGAN
BEGONIA, OK 73102-1000

Exhibit A

11:50 AM 11/16/00
Accusation No. 2009-54

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS, State Bar No. 94811
Supervising Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2540
Facsimile: (213) 897-2804

6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-Ex1

13 VANDOLYN IRENE NELSON
aka VANDOLYN I. SEENEY-NELSON
14 2030 San Jacinto Street
Oxnard, CA 93030

A C C U S A T I O N

15 Registered Nurse License No. 520721

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs (Board).

22 2. On or about March 27, 1996, the Board issued Registered Nurse License
23 No. 520721 to Vandolyn Irene Nelson aka Vandolyn I. Seeney-Nelson (Respondent). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on May 31, 2009, unless renewed.

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3. This Accusation is brought before the Board, under the authority of the

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension / expiration /

5. Section 490 states:

“A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere or a judgment of conviction by a jury or the court. No action shall be taken which a board is permitted to take following the establishment of a conviction until the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of the sentence, or the imposition of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

6. Section 2750 provides, in pertinent part, that the Board may discipline any licensee holding a temporary or an inactive license, for any reason provided in section 2750) of the Nursing Practice Act.

7. Section 2761 states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or
 action for a certificate or license for any of the following:

“(a) Unprofessional conduct . . .

• • • •

“(f) Conviction of a felony or of any offense substantially related to the

qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . .”

8. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. . .”

COST RECOVERY

10. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

11. Respondent is subject to disciplinary action under Sections 490 and 2761, subdivision (f), in that on or about April 18, 2007, Respondent was convicted of a crime substantially related to the qualifications, functions or duties of her licensee in which to a substantial degree the surrounding acts evidence her present or potential unfitness to perform the functions authorized by her license in a manner consistent with the public health, safety, or welfare, as follows:

///

1 a. On or about April 18, 2007, in a criminal proceeding entitled *The People*
2 *of the State of California v. Vandolyn Irene Nelson* in Ventura County Superior Court, Case No.
3 2006026227, Respondent was convicted on her plea of *guilty* to violating Penal Code section 270
4 (failure to provide), a misdemeanor. On or about May 9, 2007, the Court ordered Respondent to:
5 three (3) years probation; not annoy, molest, or harass Shannell Nelson; not use any force or
6 violence on Shannelle Nelson; not harass, assault, blame, degrade, dehumanize, molest, stalk,
7 strike, attack, threaten, sexually assault or batter Shannell Nelson; seek out and obtain Parent
8 Project counseling / therapy - 10 sessions; pay Supervision PROBC fee of \$1,512, fees,
9 restitution, fines and penalties.

10 b. The circumstances of the conviction are that on or about May 19, 2006,
11 through on or about June 19, 2006, Respondent failed to furnish necessary food, clothing, shelter,
12 and medical attention for her minor child, to wit: Shannell Nelson, 15 years old. County of
13 Ventura, Human Services Agency, Child Protective Services, reported to the Board of Registered
14 Nursing that, an employee of St. John's Regional Medical Center, "Vandolyn Nelson refused to
15 allow her 15 yr. old daughter to return home. Ms. Nelson changed her phone number and
16 cancelled her daughter's insurance. Mother asked the social worker not to give daughter her
17 phone number as she does not want contact with her daughter. Since being unable to return to
18 Ms. Nelson's home, her daughter had been living on the streets and prostituting herself. The
19 daughter did not have access to her antidepressants and psychotropic medication during this time
20 which lead to a suicide attempt resulting in hospitalization at a psychiatric hospital. Daughter is
21 in protective custody. Criminal charges are pending against Ms. Nelson related to this incident."

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 12. Respondent is subject to disciplinary action under Section 2761,
25 subdivision (a), in that Respondent committed acts of unprofessional conduct. Complainant
26 refers to and by this reference incorporates the allegations set forth in paragraph 11, subdivisions
27 (a) and (b), inclusive, above, as though set forth fully.


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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 520721, issued to Vandolyn Irene Nelson aka Vandolyn I. Seeney-Nelson;
2. Ordering Vandolyn Irene Nelson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/8/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

LA2007602041
NEL.ACC.WPD
7/2/2008dmm

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